

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

BILLY JOE BLEDSOE

PLAINTIFF

v.

Civil No. 4:16-cv-04057

OFFICER BOBBIE McDOWEL, Southwest
Arkansas Community Correction Center;
And WARDEN STEPHEN ARNOLD

DEFENDANTS

ORDER

Plaintiff proceeds in this 42 U.S.C. § 1983 action *pro se* and *in forma pauperis*. Currently before the Court is Plaintiff's Motion to Preserve Evidence. ECF No. 21. Defendants have filed a response to the Motion. ECF No. 22.

Plaintiff's Motion seeks assistance from the Court to preserve evidence relating to Plaintiff's claim he was sexually assaulted by Defendant McDowel including video footage, written statements, medical records, and telephone records and recordings between March 28, 2016 and June 1, 2016. ECF No. 21. Defendants responded stating they would not destroy any evidence relevant to Plaintiff's claim and the items listed in Plaintiff's Motion "either do not exist, are unidentifiable based on Plaintiff's description, or are not in the possession of the Defendants". ECF No. 22.

On November 3, 2016 I entered an Initial Scheduling Order (ECF No. 23) requiring Defendants by December 18, 2016, to preserve "incident reports documenting incidents referenced in Plaintiff's complaint, including any color photographs, and/or video footage of the same, and copies of all medical requests, grievances, and/or photographs in Plaintiff's file, as well as any written policies which relate to the facts recited in Plaintiff's complaint". To the

extent any of these items exist Defendants must preserve the evidence. Accordingly, Plaintiff's Motion to Preserve Evidence (ECF No. 21) is **DENIED** as moot.

IT IS SO ORDERED this 9th day of November 2016.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE